

June 3, 2019

**Via ECF**

The Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

Re: *In re: Interest Rate Swaps Antitrust Litigation*, No. 16-MD-2704 (PAE)  
*This Document Relates To All Actions*

Dear Judge Engelmayer:

Pursuant to Order No. 71 (Dkt. No. 798), Counsel for Plaintiffs and Defendants jointly submit this letter to update the Court on recent developments and identify the participants for the June 5 teleconference. The parties have completed fact depositions, and a chart providing further detail on depositions is attached. The parties also wanted the Court to be aware that they have continued to address a few data-related questions and are working out certain logistical issues such as Bates-stamping third-party productions that were not Bates-stamped before the close of fact discovery. Similarly, the Platform Plaintiffs are working to close the loop on discrete damages-related supplemental productions from Tradeweb and Bloomberg. The parties are otherwise focused on class certification briefing and related work.

Defendants and Plaintiffs agreed to not go forward with the deposition of former OTCex executive Ian Spittlehouse. This deposition had been scheduled for May 23, 2019. OTCex has made its document production to the French court, but the French court has yet to transmit them to this Court. Plaintiffs reserve their rights to object to their use depending on when or how they are produced.

Defendants intend to file a *Daubert* motion on June 18 directed at the expert report and testimony of Dr. Grinblatt, along with Defendants' opposition to Plaintiffs' motion for class certification. Defendants anticipate submitting a letter addressing the page limits for their forthcoming opposition brief late this week or next week after conferring with Plaintiffs on that question.

Finally, the parties are working to set a date for the mandated settlement conference. The parties are happy to address any other questions the Court may have at the teleconference.

**Conference Participants**

The participants for Plaintiffs will be Will Sears (Quinn Emanuel Urquhart & Sullivan LLP), Michael Eisenkraft (Cohen Milstein Sellers & Toll PLLC), and Randall Rainer (Wollmuth Maher & Deutsch LLP).

The participants for Defendants will be Eric Stephens (Jones Day), Ravi Sharma (Paul, Weiss, Rifkind, Wharton & Garrison LLP), and Robert Wick (Covington & Burling LLP).

Plaintiffs will provide the Court and Defendants with a dial-in number for the teleconference via email.

Respectfully submitted,

/s/ Daniel L. Brockett  
Daniel L. Brockett on behalf of  
Counsel for Plaintiffs

/s/ Adam S. Hakki (on consent)<sup>1</sup>  
Adam S. Hakki  
Defendants' Liaison Counsel

---

<sup>1</sup> Electronic signature provided with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions

**Appendix A**

<b>TOTAL DEFENDANT DEPOSITIONS</b>	<b>DEFENDANT DEPOSITIONS COMPLETED</b>	<b>DEFENDANT DEPOSITIONS NOTICED</b>
Bank of America: 7	Bank of America: 7	Bank of America: 0
Barclays: 8	Barclays: 8	Barclays: 0
BNP Paribas: 5	BNP Paribas: 5	BNP Paribas: 0
Citibank: 10	Citibank: 10	Citibank: 0
Credit Suisse: 7	Credit Suisse: 7	Credit Suisse: 0
Deutsche Bank: 7	Deutsche Bank: 7	Deutsche Bank: 0
Goldman Sachs: 8	Goldman Sachs: 8	Goldman Sachs: 0
JPMorgan: 8	JPMorgan: 8	JP Morgan: 0
Morgan Stanley: 9	Morgan Stanley: 9	Morgan Stanley: 0
RBS: 5	RBS: 5	RBS: 0
UBS: 7	UBS: 7	UBS: 0
<b>TOTAL: 81</b>	<b>TOTAL: 81</b>	<b>TOTAL: 0</b>

<b>TOTAL PLAINTIFF DEPOSITIONS</b>	<b>PLAINTIFF DEPOSITIONS COMPLETED</b>	<b>PLAINTIFF DEPOSITIONS NOTICED</b>
TeraExchange: 9	TeraExchange: 9	TeraExchange: 0
Javelin: 8	Javelin: 8	Javelin: 0
trueEX: 11	trueEX: 11	trueEX: 0
CTPF: 2	CTPF: 2	CTPF: 0
LACERA: 1	LACERA: 1	LACERA: 0
<b>TOTAL: 30</b>	<b>TOTAL: 30</b>	<b>TOTAL: 0</b>